

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA, )**

**Plaintiff, )**

**vs. )**

**Case No. 04-3149-01-CR-S-GAF**

**DANIEL PATRICK HOGAN, )**

**Defendant. )**

**ORDER**

Now pending before the Court is (1) defendant's Motion to Suppress Evidence seized as a result of a search of his vehicle on May 2, 2004; (2) a Motion to Suppress Evidence from a search of his residence on October 17, 2004; (3) a Motion to Suppress Statements; and (4) a Motion to Dismiss or Exclude Testimony. United States Magistrate Judge James C. England conducted an evidentiary hearing on April 29, 2005.

On May 17, 2005, United States Magistrate Judge James C. England issued his Report and Recommendation. On June 13, 2005, defendant filed his Exceptions to the Report and Recommendation.

Upon careful and independent review of the pending motions, defendant's exceptions to the Report and Recommendation, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge James C. England.

Accordingly, it is hereby ORDERED as follows:

1. Defendant's Motion to Suppress Evidence from the May 2, 2004 search is DENIED.

2. Defendant's Motion to Suppress Evidence from the October 17, 2004 search is  
DENIED.
3. Defendant's Motion to Suppress Statements is DENIED.
4. Defendant's Motion to Dismiss is DENIED.

/s/ Gary A. Fenner  
GARY A. FENNER, JUDGE  
United States District Court

DATED: June 22, 2005